

REMARKS

The Examiner's Action of August 12, 2003 has been received and its contents carefully considered. Reconsideration is respectfully requested in view of the Amendment and the following comments.

Claims 1, 3-5, 17, 19-21 and 23-49 are currently pending in the instant application. Claims 2, 6-16, 18 and 22 have been cancelled. New claims 34-49 have been added. All of the pending claims are supported by the original specification.

I. Personal Interview of October 24, 2003

Applicant's representative would like to thank the Examiner for the courtesies extended during the personal interview of October 24, 2003 ("the Interview"), during which the issues set forth below were discussed. It was agreed during the Interview that the Amendments submitted herein overcome both the rejection under Section 112, second paragraph, and the rejection under Section 102(b) set forth in the Examiner's Action of August 12, 2003.

II. Concurrent Submission of Petition under 37 CFR 1.78(a)(3)

As discussed during the Interview, a Petition under 37 CFR 1.78(a)(3) is being filed concurrently herewith to claim priority under 35 USC 120 in the instant application to co-pending application serial number 09/930,287, filed August 16, 2001. The Petition

further requests that the instant application be deemed to constitute a continuation-in-part under 37 CFR 1.53(b) of the above-referenced application.

Pending receipt of a decision on the concurrently filed Petition, and for the sake of expediency, copies of the following documents pertaining to 09/930,287 are being submitted for the Examiner's consideration as attachments to the instant Response:

- (1) Office Action of 04-11-03;
- (2) Response to Office Action of May 1, 2003;
- (3) Office Action of July 16, 2003

Please note that no response has yet been filed to the Office Action in (3) above.

III. Information Disclosure Statement

As discussed during the Interview, an Information Disclosure Statement is being filed concurrently herewith. The references contained in the Information Disclosure Statement have already been submitted in 09/930,287 referred to in Section I above, from which the instant application seeks to be a continuation-in-part. Nonetheless, for the sake of expediency in having those references be considered by the Examiner prior to the Examiner's next communication, an Information Disclosure Statement citing those references is being filed under 37 CFR 1.97 (c) (2) herewith, along with the requisite fee of \$180 under 37 CFR 1.17(p).

IV. Rejection under 35 USC 112, second paragraph

Claims 1-3 and 7-21 have been rejected under the second paragraph of Section 112 as being indefinite. In particular, the Action currently objects to the recitation in the claims pertaining to “preventing” presbyopia or the formation of disulfide bonds.

It is Applicant’s view that the specification enables the prevention of presbyopia and the prevention of the formation of disulfide bonds. Nevertheless, the claims have been amended to no longer recite “preventing presbyopia” or “preventing the formation of the chemical bonds”, those expressions having been deleted from the claims.

With respect to the claims as amended and/or as added, it is noted that some of those claims pertain to reducing a likelihood of formation of disulfide bonds or to reducing a likelihood of formation of interlenticular and/or intralenticular bonds. Enablement for the claims as amended and/or as added is again clearly found in the original specification. At many instances, the specification describes a chemical modification of the sulfur moiety to render the same less likely to form new disulfide bonds. This chemical modification is said to be brought about by either a reduction of the sulfur moiety (protonation with a reducing agent such as glutathione – see specification at page 12, last paragraph, for example), or by a reformation of the sulfide bonds with -CH₃ or any other suitable molecule (see original claim 17).

In view of the above, and as agreed upon during the Interview, it is submitted that all of the pending claims are definite. Accordingly, the Examiner is respectfully requested to reconsider and withdraw his rejection of the claims under the second paragraph of Section 112.

V. Allowable Subject Matter

Additionally, of the original claims that are now still pending, claims 1, 3, 19, 20 and 21 were rejected under Section 112, second paragraph only. Claims 1 and 21 are independent claims. At least in view of the claim amendments to the claims discussed in Section III above, it is submitted that independent claims 1 and 21 are allowable. It is further submitted that dependent claims 3, 34 and 35 are allowable at least by virtue of being dependent from independent claim 1.

VI. Rejection under 35 USC 102(b)

Claims 8, 11, 17, 22-24, 26, 31 and 33 have been rejected under Section 102(b) as being anticipated by Hoffman et al. Reconsideration is respectfully requested in view of the amendments and the following comments.

The rejection of independent claims 8, 11 and 22 under Section 102(b) has been mooted by virtue of their cancellation.

Of the original claims that are now still pending, claims 4 and 5, claim 4 being an independent claim, and claim 5 depending therefrom, were not rejected, either formally or in view of the prior art. It is noted that the Examiner's Action at page 4 indicates claims 4-6 as being objected to as dependent upon a rejected base claim. As discussed and agreed upon during the Interview, however, at least independent claim 4 should have been included in the previous Action as having been rejected under Hoffman et al. For

the above reason, and for the sake of expediency, the instant Response will treat independent claim 4 as having been rejected over Section 102 (b).

With respect to claim 4 as amended, that claim has been amended to include the subject matter of claim 6 previously depending therefrom, claim 6 having been cancelled herein. Hoffman et al. do not disclose a method for increasing an amplitude of accommodation of a human eye having a lens and a ciliary muscle comprising administering a pharmaceutically sufficient quantity of a biologically acceptable reducing agent to affect a change in an elasticity of the lens; and treating the human eye with applied energy.

In addition, with respect to independent claim 17 as amended, Hoffman et al. do not disclose a method for increasing an accommodative amplitude of a lens comprising: breaking interlenticular and/or intralenticular fiber adhesions to free the fibers to move relative to each other; reducing a likelihood of formation of further interlenticular and/or intralenticular fiber adhesions; and applying energy to the lens. The above features are simply missing from Hoffman et al.

Moreover, with respect to independent claim 23 as amended, Hoffman et al. do not disclose a pharmaceutical composition for increasing an accommodative amplitude of a lens comprising thiol transferase, glutathione, nicotine adenine dinucleotide phosphate, wherein the composition's accommodative improvement effect is adapted to be induced or enhanced by applying energy to the composition. The above feature is, again, simply missing from Hoffman et al.

In view of the foregoing, and as agreed upon during the Interview, it is submitted that independent claims 17 and 23 are patentable over Hoffman et al. It is further submitted that dependent claims 19, 20 and 24-33 are likewise patentable over Hoffman et al. by virtue of being dependent from corresponding ones of claims 17 and 23, and further for the particular additional features that they recite.

VII. New Claims

As discussed during the Interview, new claims 34-49 have been added to the application. New claim 34 depends from claim 1 as amended, and recites that the chemical bonds in claim 1 are disulfide bonds. New claims 35 and 36 correspond in subject matter substantially to now cancelled claims 2 and 7, and depend from claims 1 and 4, respectively. Claim 37 is an independent claim, and claims 38-49 depend therefrom. Claims 34 and 35 have been discussed in Section V above. Additionally, with respect to new independent claim 37, it is submitted that the prior art fails to disclose or even remotely suggest a method of increasing an accommodative amplitude of a lens, comprising: causing a reaction in an eye including: breaking chemical bonds about lens fibers of the eye; reducing a likelihood of formation of the chemical bonds; and catalyzing the reaction by applying a catalyst. The above features are simply missing from the prior art.


CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration, withdrawal of all grounds of rejection and issuance of a Notice of Allowance are solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4296 to discuss any matter regarding this application.

Respectfully submitted,

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